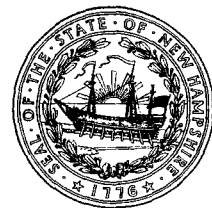




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

February 14, 2005

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 05-08

Resource Laboratories, LLC
124 Heritage Ave., Unit 10
Portsmouth, NH 03801

Attn: Sue Sylvester, General Manager

Re: Resource Laboratories, LLC
Portsmouth, New Hampshire
EPA ID # NHD510000227

Dear Ms. Sylvester:

On January 14, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Resource Laboratories, LLC ("Resource") in Portsmouth, NH. The purpose of the inspection was to determine Resource's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. RSA 147-A:4/Env-Wm 353.04 – Limited Permit

At the time of the inspection, Resource was operating an elementary neutralization unit (ENU) without a Limited Permit. Hazardous waste acid solutions generated from analyses performed in Resource's labs are neutralized in 5-gallon satellite storage containers by adding sodium bicarbonate. The neutralized wastewater is discharged to the Portsmouth POTW.

The ENU meets the definition of a hazardous waste treatment facility within RSA 147-A:2, IV because it is used to treat a hazardous waste as defined in Env-Wm 400 (*i.e.*, corrosive). DES has no record of receiving a Limited Permit application form from Resource for the ENU.

RSA 147-A:4, I requires any person who wishes to operate a hazardous waste treatment facility to first obtain a Limited Permit provided the operator meets the conditions specified in Env-Wm 353.04(b) through (o), including submission of a Limited Permit application form. Initial applications are subject to a \$500.00 fee, as referenced by Env-Wm 353.07(d).

If Resource wishes to continue to neutralize hazardous waste in containers, then DES requests that Resource obtain a Limited Permit by complying with the requirements of Env-Wm 353.04, which include submitting the enclosed New Hampshire Limited Permit application form to DES.

2. Env-Wm 507.01(a)(3) – Storage Requirements

At the time of the inspection, one (1) satellite container of hazardous waste methylene chloride stored in the sox-hlet extraction hood was not closed. See the attached Container Inventory (“Inventory”).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested Resource to ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In an email received on January 21, 2005 from Resource, Ms. Sue Sylvester, General Manager, stated that the satellite container of methylene chloride is now kept closed. No further action is required.

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of Resource’s personnel training records revealed that the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requested that Resource maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position, and documentation of hazardous waste job titles, job descriptions, and names of employees filling each position.

In the email received on January 21, 2005, Sue Sylvester provided a copy of Resource’s personnel training plan. No further action is required.

4. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Resource's contingency plan revealed deficiencies regarding the following:

- (a) The home addresses of the emergency coordinators;
- (b) A description of the signal(s) used to begin an evacuation;
- (c) Instructions to notify local authorities if an evacuation is needed;
- (d) Instructions to include in the notification to DES, the items listed in 40 CFR 265.56(d)(2)(i)-(vi);
- (e) Instructions to notify either the local fire chief or the National Response Center at (800)424-8802;
- (f) A description of the arrangements made with local authorities;
- (g) Instructions to include in the written report submitted to DES within 15 days after an incident, the items listed in 40 CFR 265.56(j);
- (h) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested Resource to revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In the email received on January 21, 2005, Sue Sylvester provided a copy of Resource's contingency plan. No further action is required.

5. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to document the location of fire extinguishers, spill control material and alarms.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);

- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Resource post the required information at the nearest telephone to the hazardous waste storage area.

In the email received on January 21, 2005, Sue Sylvester provided a copy of Resource's updated emergency posting. No further action is required.

6. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) – Universal Waste Lamp Management

At the time of the inspection, four (4) universal waste lamps were not stored in containers and one (1) container of universal waste lamps was not closed (see the attached Inventory).

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) requires that containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Resource ensure that all universal waste lamps are stored in containers that are closed; compatible with the universal waste and its contents; and free of defects, design characteristics, or damage.

In the email received on January 21, 2005, Sue Sylvester stated that the universal waste lamps are now stored in a closed and labeled container. No further action is required.

7. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, the four (4) universal waste lamps and the one (1) container of universal waste lamps was not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)" (see the attached Inventory).

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that Resource clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

In the email received on January 21, 2005, Sue Sylvester stated that the universal waste lamps are now stored in a closed and labeled container. No further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Resource can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Resource including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist
DES/WMD
P.O. Box 95
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous

waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Bureau at 271-2942. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink is written over the word "COPY", which is printed in large, bold, black capital letters. The signature appears to be "JJD" followed by a flourish.

John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Paul L. Heirtzler, P.E., Administrator, Waste Management Programs, WMD
Gretchen Hamel, Administrator, DES Legal Unit

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report
Limited Permit Application